

106TH CONGRESS  
1ST SESSION

# S. 848

To designate a portion of the Otay Mountain region of California as wilderness.

---

IN THE SENATE OF THE UNITED STATES

APRIL 21, 1999

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

## A BILL

To designate a portion of the Otay Mountain region of California as wilderness.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Otay Mountain Wilder-  
5       ness Act of 1999”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) the public land in the Otay Mountain region  
9       of California is one of the last remaining pristine lo-  
10      cations in western San Diego County, California;

1           (2) this rugged mountain adjacent to the  
2       United States-Mexico border is internationally  
3       known for having a diversity of unique and sensitive  
4       plants;

5           (3) this area plays a critical role in San Diego’s  
6       multi-species conservation plan, a national model  
7       made for maintaining biodiversity;

8           (4) due to the proximity of the Otay Mountain  
9       region to the international border, this area is the  
10      focus of important law enforcement and border  
11      interdiction efforts necessary to curtail illegal immi-  
12      gration and protect the area’s wilderness values; and

13          (5) the illegal immigration traffic, combined  
14      with the rugged topography, present unique fire  
15      management challenges for protecting lives and re-  
16      sources.

17 **SEC. 3. DEFINITIONS.**

18       In this Act:

19           (1) PUBLIC LAND.—The term “public land”  
20      has the meaning given the term “public lands” in  
21      section 103 of the Federal Land Policy and Manage-  
22      ment Act of 1976 (43 U.S.C. 1702).

23           (2) SECRETARY.—The term “Secretary” means  
24      the Secretary of the Interior.

1           (3) WILDERNESS AREA.—The term “Wilderness  
2       Area” means the Otay Mountain Wilderness des-  
3       ignated by section 4.

4   **SEC. 4. DESIGNATION.**

5       (a) IN GENERAL.—In accordance with the Wilderness  
6   Act (16 U.S.C. 1131 et seq.), there is designated as wil-  
7   derness and as a component of the National Wilderness  
8   Preservation System certain public land in the California  
9   Desert District of the Bureau of Land Management, Cali-  
10   fornia, comprising approximately 18,500 acres as gen-  
11   erally depicted on a map entitled “Otay Mountain Wilder-  
12   ness” and dated May 7, 1998.

13       (b) OTAY MOUNTAIN WILDERNESS.—The area des-  
14   ignated under subsection (a) shall be known as the Otay  
15   Mountain Wilderness.

16   **SEC. 5. MAP AND LEGAL DESCRIPTION.**

17       (a) IN GENERAL.—As soon as practicable after the  
18   date of enactment of this Act, a map and a legal descrip-  
19   tion for the Wilderness Area shall be filed by the Secretary  
20   with—

21           (1) the Committee on Energy and Natural Re-  
22       sources of the Senate; and

23           (2) the Committee on Resources of the House  
24       of Representatives.

1 (b) FORCE AND EFFECT.—The map and legal de-  
 2 scription shall have the same force and effect as if in-  
 3 cluded in this Act, except that the Secretary, as appro-  
 4 priate, may correct clerical and typographical errors in the  
 5 map and legal description.

6 (c) AVAILABILITY.—The map and legal description  
 7 for the Wilderness Area shall be on file and available for  
 8 public inspection in the offices of the Director and Cali-  
 9 fornia State Director of the Bureau of Land Management.

10 (d) UNITED STATES-MEXICO BORDER.—In carrying  
 11 out this section, the Secretary shall ensure that the south-  
 12 ern boundary of the Wilderness Area is—

13 (1) 100 feet north of the trail depicted on the  
 14 map referred to in subsection (a); and

15 (2) not less than 100 feet from the United  
 16 States-Mexico international border.

17 **SEC. 6. WILDERNESS REVIEW.**

18 All public land not designated as wilderness within  
 19 the boundaries of the Southern Otoy Mountain Wilderness  
 20 Study Area (CA-060-029) and the Western Otoy Moun-  
 21 tain Wilderness Study Area (CA-060-028) managed by  
 22 the Bureau of Land Management and reported to the Con-  
 23 gress in 1991—

24 (1) have been adequately studied for wilderness  
 25 designation under section 603 of the Federal Land

1 Policy and Management Act of 1976 (43 U.S.C.  
2 1782); and

3 (2) shall no longer be subject to the require-  
4 ments contained in section 603(c) of that Act per-  
5 taining to the management of wilderness study areas  
6 in a manner that does not impair the suitability of  
7 those areas for preservation as wilderness.

8 **SEC. 7. ADMINISTRATION OF WILDERNESS AREA.**

9 (a) IN GENERAL.—Subject to valid existing rights  
10 and to subsection (b), the Wilderness Area shall be admin-  
11 istered by the Secretary in accordance with the Wilderness  
12 Act (16 U.S.C. 1131 et seq.), except that for the purposes  
13 of the Wilderness Area—

14 (1) any reference in that Act to the effective  
15 date of that Act shall be considered to be a reference  
16 to the effective date of this Act; and

17 (2) any reference in that Act to the Secretary  
18 of Agriculture shall be considered to be a reference  
19 to the Secretary of the Interior.

20 (b) BORDER ENFORCEMENT, DRUG INTERDICTION,  
21 AND WILDLAND FIRE PROTECTION.—Because of the  
22 proximity of the Wilderness Area to the United States-  
23 Mexico international border, drug interdiction, border op-  
24 erations, and wildland fire management operations are  
25 common management actions throughout the area encom-

1 passing the Wilderness Area. This Act recognizes the need  
2 to continue such management actions so long as such  
3 management actions are conducted in accordance with the  
4 Wilderness Act (16 U.S.C. 1131 et seq.) and are subject  
5 to such conditions as the Secretary considers appropriate.

6 **SEC. 8. FURTHER ACQUISITIONS.**

7 Any land within the boundaries of the Wilderness  
8 Area that is acquired by the United States after the date  
9 of enactment of this Act shall—

10 (1) become part of the Wilderness Area; and

11 (2) be managed in accordance with this Act and  
12 other laws applicable to wilderness areas.

13 **SEC. 9. NO BUFFER ZONES.**

14 (a) IN GENERAL.—The designation of the Wilderness  
15 Area by this Act shall not lead to the creation of protective  
16 perimeters or buffer zones outside the boundary of the  
17 Wilderness Area.

18 (b) NONWILDERNESS ACTIVITIES.—The fact that  
19 nonwilderness activities or uses can be seen or heard from  
20 areas within the Wilderness Area shall not, in and of itself,  
21 preclude nonwilderness activities or uses outside the  
22 boundary of the Wilderness Area.

○